

MENTAL HEALTH COURT

PRACTICE NOTE No 2 of 2003

Amendment of References, Notices of Appeal, Applications

1. A reference, notice of appeal or application filed in the Mental Health Court registry may be amended by the party who commenced the proceeding prior to the hearing.
2. A reference, notice of appeal or application may be amended at the hearing with the leave of the Court.
3. If the Court gives leave to amend a document, it may order the Registrar to make the amendment.
4. An amendment must be made -
 - (a) by striking through text to be removed; and
 - (b) underlining in red or otherwise distinguishing text to be added.
5. Unless making alterations on the document is inconvenient or would make the document difficult to read, an amendment may be made by writing alterations on the document on the Court file.
6. Otherwise an amendment must be made by filing a fresh document incorporating and distinguishing the alterations.
7. The amended document must have a notation on it showing -
 - (a) the date of the amendment; and
 - (b) if the amendment was made by leave of the Court, the date of the order giving leave.
8. If the document is amended under paragraph 5, the Registrar must stamp the document near the alteration or alterations with the seal of the Court.
9. If the document is amended under paragraph 6, the Registrar must stamp the fresh document with the seal of the Court.
10. The party making the amendment must forthwith serve on the parties on whom the document was served -
 - (a) if the amendment is made under paragraph 5 - notice of the amendment; or
 - (b) if the amendment is made under paragraph 6 - the fresh document.


JUSTICE MARGARET WILSON

Date: 16 October 2003